

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

NATIVE AMERICAN ARTS, INC.,

Plaintiff,

v.

BUD K WORLDWIDE, INC.,

Defendant.

Civil Action 7:10-CV-124 (HL)

ORDER

On June 15, 2011, Defendant filed its Motion to Exclude Tony Eriacho Jr. as an Expert (Doc. 64). In a subsequent filing, Plaintiff states that it is withdrawing its offer of Mr. Eriacho's expert report in support of its response to Defendant's Motion to Dismiss. In light of Plaintiff's statement, the Motion to Exclude (Doc. 64) is denied as moot.¹ Mr. Eriacho's expert report will not be considered by the Court in ruling on Defendant's Motion to Dismiss. Further, Defendant's Motion to Strike (Doc. 57) and Motion to Withdraw Document (Doc. 71) are also denied as moot.

SO ORDERED, this the 22nd day of June, 2011.

s/ Hugh Lawson

HUGH LAWSON, SENIOR JUDGE

mbh

¹Of course, in the event Plaintiff survives the Motion to Dismiss, Defendant will be entitled to re-file its Motion to Exclude at a later time if Defendant deems it necessary.